

## REMARKS

In the last Office Action, the Examiner rejected claims 1–4, 21–24, and 26 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,525,328 ("*Miyoshi*"). The Examiner allowed claims 5–20 and 25. Applicants appreciate the allowance of claims 5–20 and 25.

### **Rejection of claims 1–4, 21–24, and 26**

The Examiner rejected claims 1–4, 21–24, and 26 under § 102(e) as anticipated by *Miyoshi*. Concurrently with this Request for Reconsideration, Applicants submit a Declaration Under 37 C.F.R. § 1.132, indicating the subject matter described in U.S. Patent 6,525,328 B1 that reads on pending claims 1–4, 21–24, and 26 was the joint invention of only Motosuke Miyoshi and Yuichiro Yamazaki. Thus, the disclosure of *Miyoshi* is not by another and does not serve as a proper § 102(e) reference against claims 1–4, 21–24, and 26. (See MPEP § 715.01(c) (8<sup>th</sup> ed. Feb. 2003).)

Because no prior art reference is cited against claims 1–4, 21–24, and 26, Applicants submit claims 1–4, 21–24, and 26 are allowable.

### **Allowance of claims 5–20 and 25**

Applicants are grateful to the Examiner for the indication of allowance of claims 5–20 and 25.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1–4, 21–24, and 26 in condition for allowance. Therefore, this Amendment should allow for immediate action by the Examiner. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

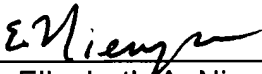
In view of the foregoing, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art reference cited against this application. Applicants therefore request the entry of this Request for Reconsideration, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 27, 2004

By:   
Elizabeth A. Niemeyer  
Reg. No. 52,070



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Osamu NAGANO et al. ) Group Art Unit: 2853  
)  
Application No.: 09/920,633 ) Examiner: Nguyen, Lam S.  
)  
Filed: August 3, 2001 ) Confirmation No.: 6947  
)  
For: CHARGED PARTICLE BEAM ) Mail Stop AF  
EXPOSURE SYSTEM )

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.132

I, Yuichiro Yamazaki, do hereby make the following declaration:

1. I am a named inventor on the above-captioned application.

Application No. 09/920,633.

2. I am a named inventor on U. S. Patent 6,525,328 B1.

3. I and Motosuke Miyoshi are the joint inventors of the subject matter described in U. S. Patent 6,525,328 B1 that reads on claims 1-4, 21-24, and 26 of Application No. 09/920,633.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that

willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: July 26, 2004

By: Yuichiro Yamazaki  
Yuichiro Yamazaki



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
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Osamu NAGANO et al. ) Group Art Unit: 2853  
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EXPOSURE SYSTEM )

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.132

I, Motosuke Miyoshi, do hereby make the following declaration:

1. I am a named inventor on the above-captioned application, Application No. 09/920,633.
2. I am a named inventor on U. S. Patent 6,525,328 B1.
3. I and Yuichiro Yamazaki are the joint inventors of the subject matter described in U. S. Patent 6,525,328 B1 that reads on claims 1-4, 21-24, and 26 of Application No. 09/920,633.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that

willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: July 26, 2004

By: Motosuke Miyoshi  
Motosuke Miyoshi